



Order Filed on March 25, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

MELLINGER KARTZMAN LLC

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Attorneys for Steven P. Kartzman, Chapter 7 Trustee

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re:

**JAMES X. REZABALA and ERIKA
M. PENACHI,**

Debtors.

Case No. 19-25396 (VFP)

Chapter 7

Honorable Vincent F. Papalia

**ORDER (I) AUTHORIZING THE PRIVATE SALE OF PROPERTY OF THE
ESTATE FREE AND CLEAR OF LIENS, CLAIMS AND INTERESTS PURSUANT TO
11 U.S.C. §363; (II) AUTHORIZING DISTRIBUTION OF SALE PROCEEDS; (III)
DIRECTING THE DEBTOR, JAMES X. REZABALA ("DEBTOR REZABALA") AND
GERALDINA OBANDO (THE "CO-OWNER") TO VACATE; (IV) WAIVING 14 DAY
STAY OF ORDER; AND (V) GRANTING RELATED RELIEF**

The relief set forth on the following pages, numbered two (2) through five (5), is hereby
ORDERED.

DATED: March 25, 2021



Honorable Vincent F. Papalia
United States Bankruptcy Judge

Debtor: James X. Rezabala and Erika M. Penachi
Case No.: 19-25396 (VFP)
Caption: Order (i) Authorizing the Private Sale of Property of the Estate Free and Clear of Liens, Claims and Interests Pursuant to 11 U.S.C. §363; (ii) Authorizing Distribution of Sale Proceeds; (iii) Directing the Debtor, James X. Rezabala (“Debtor Rezabala”) and Geraldina Obando (the “Co-Owner”) to Vacate; (iv) Waiving 14 Day Stay of Order; and (v) Granting Related Relief

THIS MATTER having been brought before the Court by Steven P. Kartzman, the Chapter 7 Trustee (the “Trustee”), by and through his attorneys Mellinger Kartzman LLC, for entry of an order (i) Authorizing the Private Sale of Property of the Estate Free and Clear of Liens, Claims and Interests Pursuant to 11 U.S.C. §363; (ii) Authorizing Distribution of Sale Proceeds; (iii) Directing the Debtor, James X. Rezabala (“Debtor Rezabala”) and Geraldina Obando (the “Co-Owner”) to Vacate; (iv) Waiving 14 Day Stay of Order; and (v) Granting Related Relief (the “Motion”); and it appearing that notice of the motion has been duly served; and the Court having considered opposition to the Motion and the arguments of counsel, if any, and good cause having been shown, it is hereby:

ORDERED AS FOLLOWS:

1. The Trustee be, and is hereby, authorized and directed to sell the property located at 3365 Kennedy Boulevard, Jersey City, New Jersey (the “Property”), to Sardar Gurbeer Singh, Jasvinder Kaur, and Reena Jhon a/k/a Reena John a/k/a Renna Jhon (the “Purchasers”) for the sum of \$600,000.00, free and clear of all liens, claims, interests, and encumbrances, with any valid liens, claims, encumbrances, or interests not avoided herein, to attach to the proceeds of sale in the same order of their priority pursuant to 11 U.S.C. §363(b) and (f).

2. The Purchasers are deemed to be good faith purchasers for value within the meaning of 11 U.S.C. §363(m).

3. The Trustee shall be and hereby is authorized and directed to convey title to the Purchasers, or any entity that the Purchasers form to take title to the Property in its stead (hereinafter referred to collectively as the “Purchaser”), and to take all actions as may reasonably be required that are consistent with this Order for the purpose of effectuating the proposed sale.

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4. The stay of any sale pursuant to the terms of this Order as set forth in FED R. BANKR. P. 6004(h) is hereby waived, and the Trustee and Purchaser may consummate the sale approved herein immediately upon entry of this Order.

5. The Trustee shall deposit \$15,000.00 of the sale proceeds into escrow until receipt of the NFA Letter from the DEP or a RAO from an LSRP.

6. After the closing, the Trustee is authorized and directed to distribute the sale proceeds as follows:

- a. in the first place, the amount needed to satisfy in full any pre-petition and/or post-petition municipal taxes or other municipal liens in favor of the City of Jersey City and/or Suez;
- b. in the second place, to KW City Life JC Realty in the sum of \$30,000.00 reflecting the 5% commission to be paid pursuant to the listing agreement with KW City Life JC Realty;
- c. in the third place, approximately \$23,300.00, or the full amount due up to a cap of \$26,300, to Brinks Tank & Environmental Service, reflecting the work performed for the removal and remediation of the Underground Storage Tank. Should the final amount due to Brinks Tank & Environmental Service exceed \$26,300.00, the Trustee will not pay the amount above \$26,300.00 absent a further Court Order;
- d. in the fourth place, approximately \$285,000.00, or the full amount then due, to Bank of America, N.A., in full satisfaction of the Foreclosure Judgment against the Property;
- e. in the fifth place, the statutory liens out of the gross proceeds of the sale from Defendant Rezabala’s proceeds;
- f. in the sixth place, payment to the Trustee of the Trustee’s necessary fees and costs in preserving and selling the Property pursuant to 11 U.S.C. §503, including but not limited to attorney’s fees, following entry of Orders allowing fees, on notice and appropriate application served on all interested parties; and

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g. in the seventh place, to the estate and to Geraldina Obando, once the extent of Geraldina Obando’s interest is resolved per the Final Judgment entered in Adv. Pro. Case 19-02291 at Dkt. No. 23, with the estate’s share of the proceeds being distributed in the order of priority provided by the Bankruptcy Code.

7. Following receipt of payment in full, all lien holders shall file a Release or Discharge of Lien.

8. The realtor’s commission shall be paid from the sales proceeds without the need to file a fee application pursuant to D.N.J. LBR 6004-5.

9. The fees and costs due to Brinks Tank & Environmental Services up to \$26,300.00 shall be paid from the sale proceeds as an administrative cost of sale.

10. The sale of the Property shall be free and clear of all liens, claims and interests pursuant to 11 U.S.C. §363, with any valid liens, if any, to attach to the sale proceeds.

11. The Court shall retain jurisdiction to enforce the terms of the within Order, including fixing the amounts due to secured, unsecured and administrative claimants, failing a consensual resolution with the Trustee.

12. Debtor Rezabala and Co-Owner Obando shall vacate the Property, and remove all of their personal belongings, within fourteen (14) days of the entry and service of this Order.

13. Should Debtor Rezabala and/or Co-Owner Obando fail to vacate the Property and remove all of their personal belongings the Court may enter an Order directing the U.S. Marshal to remove Debtor Rezabala and/or Co-Owner Obando following receipt of a Certification from the Chapter 7 Trustee, on Notice to Debtor Rezabala and/or Co-Owner Obando, by regular mail and certified mail, return, receipt requested.

Page 5 of 5

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14. A copy of this Order shall be served on all parties who are affected by this action within seven (7) days of the date hereof.

In re:
James X. Rezabala
Erika M. Penachi
Debtors

Case No. 19-25396-VFP
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0312-2
Date Rcvd: Mar 25, 2021

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 2

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
#	Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 27, 2021:

Recip ID	Recipient Name and Address
db	#+ James X. Rezabala, 3365 Kennedy Blvd., Jersey City, NJ 07307-4208
jdb	+ Erika M. Penachi, 453 Tomas Ave., Apt. 2, Lyndhurst, NJ 07071-3117

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 27, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 25, 2021 at the address(es) listed below:

Name	Email Address
Denise E. Carlon	on behalf of Creditor BANK OF AMERICA N.A. dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Joseph R Zapata, Jr	on behalf of Plaintiff Steven P. Kartzman jzapata@msbnj.com
Kevin Gordon McDonald	on behalf of Creditor BANK OF AMERICA N.A. kmcdonald@kmlawgroup.com, bkgroup@kmlawgroup.com
Steven A. Jayson	on behalf of Trustee Steven P. Kartzman sjayson@msklaw.net

District/off: 0312-2

User: admin

Page 2 of 2

Date Rcvd: Mar 25, 2021

Form ID: pdf903

Total Noticed: 2

jloewenstein@msklaw.net;donnaz@msklaw.net;dkhan@msklaw.net

Steven P. Kartzman

kartztee@optonline.net

jzapata@msklaw.net;nj16@ecfcbis.com;jloewenstein@msklaw.net;denisew@msklaw.net;sjayson@msklaw.net;skartzman@msklaw.net;dkhan@msklaw.net

Steven P. Kartzman

on behalf of Trustee Steven P. Kartzman kartztee@optonline.net

jzapata@msklaw.net;nj16@ecfcbis.com;jloewenstein@msklaw.net;denisew@msklaw.net;sjayson@msklaw.net;skartzman@msklaw.net;dkhan@msklaw.net

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

William P. Bonomo

on behalf of Debtor James X. Rezabala nyattybill@aol.com

bonomolawecf@gmail.com;claudia@garanticesufuturo.com;lediazlaw@gmail.com;bonomowr58406@notify.bestcase.com

William P. Bonomo

on behalf of Joint Debtor Erika M. Penachi nyattybill@aol.com

bonomolawecf@gmail.com;claudia@garanticesufuturo.com;lediazlaw@gmail.com;bonomowr58406@notify.bestcase.com

TOTAL: 9